

REMARKS

The Applicant files this Amendment After Notice of Allowance requesting entry of the terminal disclaimer filed Oct. 26, 2009. Entry is believed to be appropriate after the Notice of Allowance as the filing was necessitated by actions by the USPTO that occurred subsequent to the Notice of Allowance.

On July 21, 2009, the Applicant's attorney filed a terminal disclaimer over U.S. Patent No. 6,697,360 in the present application.

On August 4, 2009, a Notice of Allowance was issued in the present application. In the Examiner's comments in the Notice of Allowance, the Examiner stated that "[t]he terminal disclaimer filed on July 21, 2009 ... **has been reviewed and is accepted. The terminal disclaimer has been recorded**" (emphasis added). Accordingly, at such time, the Applicant's attorney believed there was no issue with the terminal disclaimer.

However, some time subsequent to the Notice of Allowance, a document titled "Terminal Disclaimer Approval form used within the USPTO" appeared on Private PAIR. The document indicating the terminal disclaimer filed on July 21, 2009 was actually **not approved**, and suggested this was due to the Applicant's Attorney not being officially of record. Such document was dated Aug. 25, 2009.

To ensure the issue of the present application is not delayed, the Applicant's attorney has filed a power of attorney clearly indicating the Applicant's attorney is of record, and has resubmitted the terminal disclaimer. The Applicant respectfully requests this resubmitted terminal disclaimer, dated Oct. 26, 2009, be entered prior to the issue of the present application.

Should there be any remaining issues that may delay the issue of application, the Applicant invites the Examiner to telephonically contact the Applicant's attorney at 617-951-2500.

Please charge any additional fee occasioned by this paper to our Deposit Account
No. 03-1237.

Respectfully submitted,

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